

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENNIS CHAN LAI,

Defendant.

) Case No. 87-359 SC
)
) ORDER DENYING DEFENDANT'S
) MOTION RE: 18 U.S.C. §
) 3582(c)(2)
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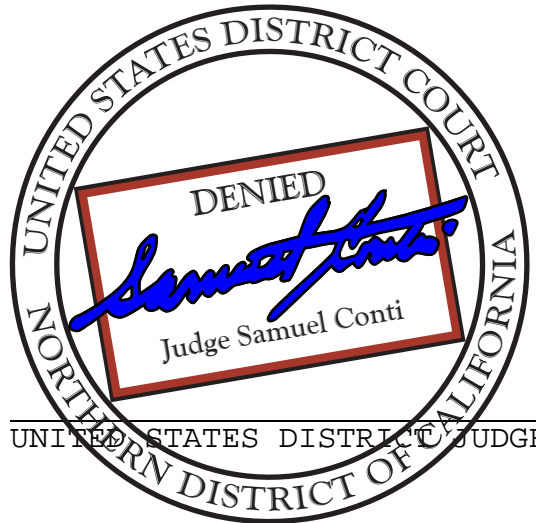
The Court construes Lai's Motion as seeking reduction of his sentence on the basis of Amendment 750 to the Federal Sentencing Guidelines, which took effect on November 1, 2011. See U.S. Sentencing Guidelines Manual app. C, am. 750 ("Amendment 750"). The effect of Amendment 750 was to reduce the Sentencing Guidelines' penalties for crack cocaine crimes. See id., cmt. Reason for Guidelines. Lai, however, was convicted, among other things, for crimes related to powder cocaine, not crack cocaine.

Moreover, because Lai's crimes occurred entirely before the 1987 effective date of the Sentencing Guidelines, Lai was not sentenced under the Guidelines. Amendment 750 therefore is irrelevant to Lai's sentence. See 18 U.S.C. § 3582(c)(2) (only authorizing reduction of sentences based on "range that has subsequently been lowered by the Sentencing Commission . . . " and only when "reduction is consistent with applicable policy statements"); U.S. Sentencing Guidelines Manual § 1B1.10(a)(1)(A) (policy statement forbidding reduction of sentence under § 3582(c)(2) when amendments to the Sentencing Guidelines are inapplicable to defendant's original sentence). Because Amendment 750 is inapplicable to Lai's original sentence, the Court DENIES Lai's Motion for Reduction of Sentence.

Lai's Objection to the SRI Report repeats the arguments raised in his Motion and is DENIED.

IT IS SO ORDERED.

Dated: February 6, 2012



UNITED STATES DISTRICT JUDGE